

SN. 09/648,101

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REMARKS

Claims 1-6, 8-15, 17-24, and 26-28 remain pending in this application for which applicant seeks reconsideration.

Amendment

As the examiner did not give any weight to the passage "in a specifiable manner," this passage has been deleted from independent claims 1, 10, 19, and 28 as being superfluous. Claims 1 and 10, however, have been amended to clarify that the control of the display is automatic. Moreover, in claim 1, the term "for," which was inadvertently omitted in the previous amendment, has been added. Claim 19 further has been amended to improve its readability, namely by changing "such that at least one joint portion of said images is displayed" to --to display at least one joint portion of said images--. No new matter has been introduced.

Art Rejection

In the Final rejection, claims 1-6, 8, 10-15, 17, 19-24, 26, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by Urushiya (JP 05-342344), and claims 9, 18, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Urushiya in view of Kumashiro (USP 5,721,624). Applicant traverses these rejections because Urushiya would not have disclosed or taught controlling and displaying at least one joint portion of the images as set forth in independent claims 1, 10, 19, and 28.

Independent claims 1 and 28 each call for a display control means for displaying at least one joint portion of an image synthesized from a plurality of joined images and a designation means for designating the joint portion. Claim 1 further specifies that the control is automatic. Since these features are set forth as a means-plus-function limitation, they cover the corresponding structures or acts described in the specification, and equivalents thereof. In this respect, the present specification discloses, referring to Fig. 2, an application software 201 that includes an image synthesizing system 215 with an image processing means 216 and an image display means 217. As disclosed, these features are software based. The corresponding structure

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or acts and equivalents thereof thus would encompass an image processing software that provides the functions set forth in the claims, namely displaying and designating the joint portion, and a hardware that provides the same functions.

In contrast to the examiner's understanding, above claimed means do not encompass all means for displaying the joint portion as urged by the examiner, but rather only the corresponding structure or acts, and equivalents of the claimed means set forth in the disclosure. In Urushiya, the **operator** manually designates and displays the joint portions having the common area of the images to be stitched together with an input device 7. As Urushiya manually designates and displays the joint portion, as opposed to using a software/hardware to do the same, Urushiya would not have taught the claimed display control means.

Claim 10 is a method counterpart of claim 1, with a method step of controlling automatically the display means to display the joint portion. As Urushiya does not automatically display the joint portion, Urushiya would not have taught claim 10.

Claim 19 calls for a storage medium with a computer program having an image control module for displaying a synthesized image and for controlling the display to display the joint portion. Urushiya simply does not include a program for displaying and designating the joint portion as set forth in claim 19.

Kumashiro would not have alleviated Urushiya's shortcomings identified above, even if the combination were deemed proper for argument's sake.

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Conclusion

Applicant submits that claims 1-6, 8-15, 17-24, and 26-28 patentably distinguish over the applied references, and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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